

Judge James P. Donohue

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MAR 26 2013

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
BY WESTERN DISTRICT OF WASHINGTON DEPUTY

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff

NO.CR12-333 JPD

v.

PRELIMINARY ORDER OF  
FORFEITURE

DIMITRI MUGIANIS,  
Defendant.

Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, and based upon the guilty plea of DIMITRI MUGIANIS to the offense of Possession of a Controlled Substance, Ibogaine, as charged in Count One of the Information, in violation of Title 21, United States Code, Section 844 upon the terms of the Plea Agreement filed in this matter between DIMITRI MUGIANIS and the United States, it is hereby

ORDERED, ADJUDGED and DECREED that pursuant to Title 21, United States Code, Section 881(a)(6) and Title 28, United States Code, Section 2461(c), DIMITRI MUGIANIS shall forfeit the following property to the United States of America:

a. \$4,000 in United States currency;

The Court finds that the property listed above is subject to forfeiture because it is money furnished or intended to be furnished in exchange for the controlled substance possessed by the

Preliminary Order of Forfeiture

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UNITED STATES ATTORNEY  
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SEATTLE, WASHINGTON 98101  
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defendant; is proceeds traceable to such an exchange; and/or was used or intended to be used to facilitate the Possession of Ibogaine as charged in Count One of the Information.

IT IS FURTHER ORDERED that the United States Marshals Service shall seize the above-listed asset and maintain such seized property in its custody and control until further order of this Court, or until this Order becomes final pursuant to Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure.

IT IS FURTHER ORDERED that pursuant to Title 21, United States Code, Section 853(n), the United States shall publish notice of the Preliminary Order of Forfeiture and of the intent of the United States to dispose of the property in accordance with law. The notice shall run be posted on an official government website for at least thirty (30) days. The notice shall state that any person, other than the defendant, having or claiming a legal interest in the above-described property must file a petition with the Court within sixty (60) days of the first day of publication of notice on an official internet government forfeiture website, currently [www.forfeiture.gov](http://www.forfeiture.gov), or within thirty-five (35) days of receipt of actual notice, whichever is earlier.

The notice shall advise such interested person that:

1. the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in such property;
2. the petition shall be signed by the petitioner under penalty of perjury; and
3. the petition shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property

The petition shall also set forth any additional facts supporting the petitioner's claim and the relief sought. Pursuant to the plea agreement between the parties, the defendant waives any right to have had prior notice of the forfeiture of the above described property in the indictment.

The United States shall also, to the extent possible, provide direct written notice as a substitute for the published notice to any person known to have alleged an interest in the above-described property, which is the subject of this Preliminary Order of Forfeiture. Upon adjudication of any third-party claims, this court will enter a Final Order of Forfeiture pursuant

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2 to Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure, in which all such claims will be  
3 addressed.

4 IT IS FURTHER ORDERED that pursuant to Rule 32.2(b)(3) of the Federal Rules of  
5 Criminal Procedure, this Preliminary Order of Forfeiture shall become final as to the defendant  
6 at the time of sentencing and shall be made part of the sentence and included in the judgment.  
7 Based upon the Plea Agreement and the guilty plea entered by the defendant herein, the Court  
8 finds that the defendant had an interest in the forfeited property. If no third party files a timely  
9 claim, this Order shall become the Final Order of Forfeiture as provided by Rule 32.2(c)(2) of  
the Federal Rules of Criminal Procedure.

10 IT IS FURTHER ORDERED that after the disposition of any motion filed under Rule  
11 32.2(c)(1)(A) of the Federal Rules of Criminal Procedure and before a hearing on any third party  
12 petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure  
13 upon a showing that such discovery is necessary or desirable to resolve factual issues.

14 IT IS FURTHER ORDERED that the United States shall have clear title to the above-  
15 described property following the Court's disposition of all third party interests, or, if none,  
16 following the expiration of the period provided in Title 21, United States Code, Section 853(n)  
17 for the filing of third party petitions.

18 IT IS FURTHER ORDERED that the Court shall retain jurisdiction to enforce this Order,  
19 and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal  
20 Procedure.

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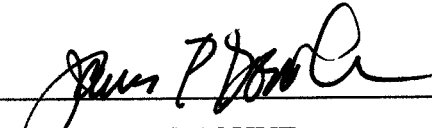
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The Clerk of the Court is directed to send a copy of this Preliminary Order of Forfeiture to all counsel of record.

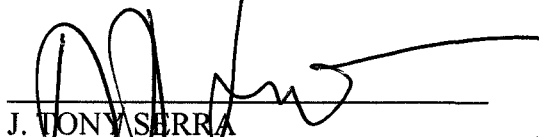
DATED this 26<sup>th</sup> day of March, 2013.

  
JAMES P. DONOHUE  
United States Magistrate Judge

Presented by:

  
ROGER S. ROGOFF  
Assistant United States Attorney

  
RICHARD E. COHEN  
Assistant United States Attorney

  
J. TONY SERRA  
Attorney for Defendant

  
DIMITRI MUGIANIS  
Defendant

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